

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

KEN NETTLES,

Plaintiff,

v.

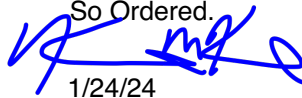
BJ'S WHOLESALE CLUB, INC.,

Defendant.

Civil Action No. 7:24-cv-00225

Motion is denied without prejudice for
failure to follow the Court's Individual
Practices.

So Ordered.



1/24/24

**BJ'S WHOLESALE CLUB, INC.'S NOTICE OF MOTION TO DISMISS OR, IN THE
ALTERNATIVE, STAY LITIGATION PENDING ARBITRATION**

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law in Support of Defendant BJ's Wholesale Club, Inc. ("BJ's") Motion to Dismiss or, in the Alternative, Stay Litigation Pending Arbitration and Affidavit of Eric Deutsch, dated January 18, 2024, BJ's will move this Court, before the Honorable Victoria Reznik, United States District Magistrate Judge, in the United States District Court for the Southern District of New York, at the Hon. Charles L. Brieant Jr. Federal Building and United States Courthouse, 300 Quarropas St., White Plains, New York 10601, on a date and time to be determined by the Court, for an Order dismissing the Complaint or, in the alternative, stay the litigation pending arbitration pursuant to Rule 12(b)(1) of the Federal Rules of Civil Procedure and Section 3 of the Federal Arbitration Act, 9 U.S.C. § 3, and granting such further relief as the Court deems just and proper.

PLEASE TAKE NOTICE that answering papers, if any, should be filed and served on or before February 1, 2024, and reply papers should be filed and served on or before February 8, 2024.

DATED: Boston, Massachusetts

January 18, 2024

MORGAN, BROWN & JOY, LLP

By: /s/ Cassandra S. Fuller

Cassandra S. Fuller

*Attorneys for Defendant BJ's Wholesale
Club, Inc.*

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THE MUHLSTOCK FIRM, PLLC
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CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of January 2024, the foregoing Notice of Motion was filed via the Court's electronic filing system and that copies of same were served upon all parties via FedEx and electronic mail at the following addresses:

Jason Tenebaum
THE MUHLSTOCK FIRM, PLLC
35 Pinelawn Rd., Suite 105E
Melville, NY 11747
jason@jtnylaw.com
Attorneys for Plaintiff

DATED: Boston, Massachusetts
January 18, 2024

/s/ Cassandra S. Fuller
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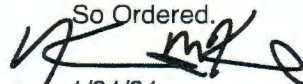
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